

**ORGANIZATIONAL MEETING
CITY COUNCIL
January 5, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MRS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

| | |
|---|------------------------------------|
| Resolution No. <u>1</u> | Date <u>January 5, 2006</u> |
| Introduced by Council Member _____ | |
| At the request of _____ | Seconded by <u>Krogh</u> |
| Motion to Amend by Council Member <u>Dunne</u> | Seconded by <u>Ryan</u> |
| Motion to Amend by Council Member <u>DerGurahian</u> | Seconded by <u>Krogh</u> |
| Motion to Amend by Council Member <u>DerGurahian</u> | Seconded by <u>Wojcik</u> |

RES. #1

**RESOLUTION ADOPTING SPECIAL RULES OF ORDER
FOR THE TROY CITY COUNCIL PURSUANT TO
SECTIONS C-26 AND C-31 OF THE TROY CITY CHARTER**

BE IT RESOLVED, that pursuant to Section C-26 and C-31 of the Troy City Charter, Chapter 2, Article V of the Troy Code of Ordinances, entitled "City Council", is hereby amended to read as follows, and shall constitute the rules of order for said Council, in addition to those rules specified in the City Charter.

DIVISION 1. GENERALLY

Section 2-17 Workshop of the City Council Defined.

Workshop of the City Council shall mean and be defined as a meeting of the Troy City Council to discuss, not to vote, on City business. A workshop may be called by the President of the Council or by two members, including the chairperson, of the standing or special committee of the Council having jurisdiction over the subject matter of the workshop.

Section 2-18 Meetings - Duties of the City Clerk

The City Clerk shall be the official clerk of the Council and shall keep minutes of meetings and fulfill such other and further duties as may be prescribed by law or ordinance.

Section 2-19 Meetings – Duties of the Corporation Counsel

The Corporation Counsel shall, either in person or by deputy, attend all meetings of the Council. Any member of the Council may at any time call upon the Corporation Counsel for an oral or written opinion as to any question of law, but not to decide upon any parliamentary rules.

Section 2-20 Duties of officers and employees attending

The heads of all City bureaus and departments and any other officer or employee of the City, when requested by the Council, shall attend any regular, adjourned or special meeting of the Council to confer with the Council in all matters relating to the City.

Section 2-21 Duties of Sergeant at Arms

A Sergeant at Arms shall be required to be present at each regular and special meeting only upon request of the City Council. By January 15th of each year, a schedule of regular meetings shall be forwarded to the Commissioner of Public Safety or Police Commissioner and shall constitute a standing request by the Council for a sergeant-at-arms at all regular City Council meetings for the year. The request for a sergeant-at-arms shall be made by the President of the Council or any five (5) members of the City Council. Except as otherwise set forth herein, such request shall be filed with the City Clerk at least two (2) hours before any regular or special meeting. The sergeant-at-arms shall be a uniformed member of the Troy Police Bureau or a sworn peace officer.

Section 2-22 Calling to Order

At all meetings, regular or special, upon the appearance of five (5) members, the Council shall be called to order by the President of the Council, or if she/he be absent, by the President pro-tempore.

Section 2-23 Order of business for regular meetings

At any regular meeting, the order of business, which shall not be departed from except with the unanimous consent of the members present, shall be as follows:

1. Roll Call by Clerk
2. Pledge of allegiance to the flag.
3. Good News Commendation(s)*
4. Presentation of agenda
5. Public Forum – Agenda (Section C-34-City Charter) 5-minute limit on Agenda items
6. Agenda
 - a. Local Laws
 - b. Ordinances
 - c. Resolutions
7. New/Old Business and announcements
8. Public Forum – City Government issues -- 5-minute limit
9. Adjournment

* To be coordinated by Human Resources Committee and presented by the Human Resources Chairperson together with the President of the City Council.

Section 2-24 Order of business for special meetings

At any special meeting, the order of business, which shall not be departed from except with the unanimous consent of all members present, shall be as follows:

1. Roll Call by Clerk
2. Pledge of allegiance to the flag.
3. Good News Commendation(s)*

4. Presentation of agenda
5. Public Forum – Agenda (Section C-34-City Charter) 5-minute limit on Agenda items
6. Agenda
 - a. Local Laws
 - b. Ordinances
 - c. Resolutions
7. New/Old Business and announcements
8. Public Forum – City Government issues -- 5-minute limit
9. Adjournment

Section 2-25 Public Forum

A period of time shall be designated during each regular or special meeting of the City Council as a public forum during which citizens of the City shall be permitted to address the Council on legislation on that meeting's agenda and on any subject appropriate to the conduct of Troy city government. Length of time allotted for citizen comment shall be no longer than five (5) minutes for Agenda items -- per speaker – in 5 minutes on other Government issues – per speaker. Each speaker may request that the video portion of cable television coverage cease during the duration of his or her comments. The audio portion will continue.

Section 2-26 Drafting of proposed local laws, ordinances and resolutions.

All proposed local laws, ordinances and resolutions shall be drafted by the Corporation Counsel upon the request of the Administration or any Member of the Council and shall have endorsed thereon his/her approval as to form thereof. All requests by Council Members shall be copied to the President of the City Council when being sent to Corporation Counsel for drafting.

1. As to regular meetings, such request for drafting shall be made by the sponsor thereof no later than four weeks preceding the regular meeting of the Council. The Corporation Counsel shall draft such legislation and deliver a copy of the same to the Mayor, the President of the City Council and to the City Clerk who will then deliver a copy to each Member of the Council.
2. As to special meetings, such request for drafting shall be made by the President of the Council or any two (2) Council Members, including the chairman, of the standing or special committee of the Council having jurisdiction over the subject matter of the proposed local law, ordinance or resolution, by delivering to the City Clerk a written request therefore. The Corporation Counsel upon notification by the City Clerk shall draft such legislation and, if the special meeting is scheduled for a time more than forty-eight (48) hours thence, deliver a copy to the Mayor and President of the Council, and deliver copies to the City Clerk who will then deliver a copy to each Member of the Council as soon as practicable. If such meeting is scheduled for a time less than forty-eight (48) hours thence, copies of the legislation shall be available at the office of the Corporation Counsel and the City Clerk by noon of the date of the meeting.
3. Whenever it is required that a notice of special meeting or a meeting agenda or copies of proposed legislation be delivered or served upon Council Members by the City Clerk, such delivery or service shall be made either by delivering the same to the Council Member or his designee in person, or by actually delivering the same to an address in the City of Troy, designated by the Council Member for such delivery or service. If no such address shall have been designated then delivery to service shall be made by delivering the same to the last known residential address to the Council Members.

In any case where the City Charter authorizes delivery or service by mail, delivery or service by mail shall be permitted in lieu of the foregoing methods of delivery or service. If delivery or service is made by mail said delivery or service shall be deemed made when the item is delivered to a United States postal box or facility with proper postage attached. A Council Member may designate an address for delivery or service by mail shall be made to the Council Member's last known address.

4. Legislative functions of the standing committees.

(Pursuant to Sec. C-18 of the City Charter).

All legislation drafted by the Corporation Counsel at the request of the administration shall be referred to the President of the City Council for referral to the chairperson of the standing or special committee having jurisdiction over the subject matter of the legislation. Legislation shall be placed on the agenda for the next meeting of the City Council only if same is referred to the President at least three (3) weeks before the next regular Council meeting. If the chairperson refuses to sponsor the legislation, it shall be referred to the whole committee for consideration and must receive approval by majority vote of the standing committee at least two (2) weeks prior to the regular Council Meeting in order to be included on that meeting's agenda.

In the event such legislation does not receive approval within thirty (30) days of its referral to the committee it may then be discharged from the committee by petition signed by a majority of the whole council.

All legislation drafted by the Corporation Counsel at the request of any Member of the Council shall first be referred to the President for referral to the chairperson of the standing or special committee having jurisdiction over the subject matter of the legislation. The chair shall schedule a committee meeting within two (2) weeks prior to the next regular Council meeting in order to be included on that meeting's agenda.

In the event such legislation does not receive approval within thirty (30) days of its referral to the committee it may then be discharged from the committee by petition signed by a majority of the whole Council.

Regular meeting agendas shall be delivered to Council Members no later than 4:00 p.m. five (5) days prior to the Council Meeting.

Section 2-27 Introduction of proposed local laws, ordinances and resolutions.

All local laws, ordinances and resolutions proposed by the administration shall be introduced by the chairperson or any member of the Council committee which has jurisdiction of the subject matter of the proposed legislation.

Section 2-28 Agenda to include name of sponsor of legislation

The Council agenda must include the name of the sponsor of legislation. Only items approved by committee or chairperson at least two (2) weeks before a regular Council meeting may be placed on that meeting's agenda. An exception will be made in the event of an emergency. The emergency shall be determined by the appropriate committee chairperson or by the President of the Council

Section 2-29 Chairman

When the President of the Council shall leave the chair his or her place shall be taken by the President pro tempore. If neither is present, the Members of the Council present shall select a temporary chair by a majority of those present.

Section 2-30 Question of Order

Question of order shall be decided by the chair without debate, subject to an appeal to the Council as a whole, which shall also be decided by a majority vote without debate.

Section 2-31 When amendment is proposed to legislation on the floor.

When an amendment is proposed to legislation on the floor, action shall be first taken on the amendment and then upon the legislation, amended or not, as the case may be.

Section 2-32 Motion for Reconsideration

- a. No motion for reconsidering any decision of the Council shall be in order unless made by a Councilperson who voted with the majority, nor unless such motion shall be made at the same or next regular meeting after such decision shall have been made.
- b. A motion for reconsideration being put and lost shall not be removed, nor shall any vote be a second time reconsidered without unanimous consent.

Section 2-33 Privilege of the Floor.

At meetings of the Council, no person, except Councilpersons shall have the privilege of the floor, except by unanimous consent of the Councilpersons present. However, the chair may recognize city officers for the purpose of advising the Council with respect to matters pending before it.

Section 2-34 Public Hearings

At all public hearings, the chair shall read the published notice and shall announce the rules governing the conduct of the hearing. While these rules, by a majority of the Council, may be designated so as to adapt to the particular circumstances surrounding any hearings, unless for special reasons to the contrary, they shall be substantially as follows:

1. No one but a citizen or a taxpayer of the city, or an attorney at law representing a citizen or taxpayer or group of citizens or taxpayers shall be allowed to speak, provided, however, that the President of the Council may, in his or her discretion allow other interested persons to speak.
2. The person wishing to speak shall, upon being recognized by the chair, give his or her name and residence and if an attorney the names and addresses of every person whom he represents.
3. All remarks shall be directed to the chair and no colloquy between or among persons presented shall be permitted.
4. No person shall extend his or her remarks beyond five (5) minutes but, if the person represents several others, the chair may make reasonable and appropriate exceptions to this time limitation.
5. The allowance of any rebuttal remarks shall be solely within the discretion of the chair.

Section 2-35 Receiving motions

When a question is before the Council, no motion shall be received, except to place on the table, unless for adjournment, for the previous question, to postpone to a certain time, to refer to or amend, and shall have precedence in the order herein arranged, and shall be decided without debate or amendment.

Section 2-36 Motion to adjourn

A motion to adjourn shall always be in order, except:

1. When a speaker has the floor.
2. When a vote is being taken.
3. When the previous question has been moved.
4. After a motion to adjourn has just been voted down.

Section 2-37 Robert's Rules of Order

The proceedings of this Council shall be governed by Robert's Rules of Order in all cases not provided for by this division insofar as such rules are not inconsistent with the same. To that end, Robert's Rules of Order are hereby incorporated by reference into this subdivision (i.e. Council Rules of Order) and shall govern procedure of the Council except where Robert's Rules of Order are inconsistent with the Council Rules. In those cases, the Council Rules shall govern the procedure of the Council.

Section 2-38 Limitation on debate

Each member of the Council shall be permitted to speak on each item on the agenda not to exceed five (5) minutes and in addition thereto when speaking on the vote, each member of the Council shall be permitted to speak on each item on the agenda not to exceed two (2) additional minutes. The purpose of this rule is to limit the debate of each Member of the Council to seven (7) minutes on each item on the agenda.

Section 2-39 Rules of Decorum and Order

- a. During Council meetings, Council Members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the presiding officer or the rules of the Council. All Members of the Council shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the Council and shall refrain at all times, from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.
- b. Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to Members of the Council.
- c. Public members attending Council meetings shall observe the same rules of propriety and good conduct applicable to Members of the Council.

Section 2-40 Suspension of Rules

Any provisions of these rules not governed by the Charter, Local Law or Ordinance may be temporarily suspended at any meeting of the Council by a simple majority vote of all members present. The vote upon such suspension shall be taken by yeas and nays and entered upon the records. These rules may be amended by written resolution at any meeting of the Council pursuant to Section 2.73 of this subdivision (i.e. Council Rules). Only Council Members may submit requests for amendments to the rules.

Section 2-41 Voice Votes and Roll Calls

All matters before the Council shall be determined by voice vote except that a roll call vote shall be conducted upon the request of any Member of the Council.

At all regular or special meetings of the City Council, at the direction of the President of the Council or the presiding officer, the City Clerk shall call the roll of the Council in the following manner:

1. Members of the Council representing Council district – Districts 1 through 6.
Members of the Council-at-large, with the President of the Council being called last.

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

First Motion to AMEND by Council Member Dunne FAILED by the following vote:

Ayes: 3 – Ryan, Dunne, Campana

Noes: 6

Abstain: 0

Second Motion to AMEND by Council Member DerGurahian ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Bauer

Abstain: 0

Third Motion to AMEND by Council Member DerGurahian ADOPTED by the following vote:

Ayes: 6

Noes: 3 – Ryan, Dunne, Campana

Abstain: 0

Resolution as AMENDED ADOPTED by the following vote:

Ayes: 6

Noes: 3 – Ryan, Dunne, Campana

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 2 Date January 5, 2006
Introduced by Council Member _____
At the request of _____ Seconded by Dunne

RES. #2

**RESOLUTION AMENDING THE RULES OF ORDER AND SETTING THE DATES OF THE
REGULAR MONTHLY MEETINGS OF THE TROY CITY COUNCIL (CHARTER SECTION C-27)**

BE IT RESOLVED, that the following dates are set for the Regular Monthly Meetings of the Troy City Council for the year 2006.

Regular Council Meetings, 7 p.m.

January 5, 2006
February 2, 2006
March 2, 2006
April 6, 2006
May 4, 2006
June 1, 2006
July 6, 2006
August 3, 2006
September 7, 2006
October 5, 2006
November 2, 2006
December 7, 2006
January 4, 2007

Finance Committee Meetings, 6 p.m.

January 26, 2006
February 23, 2006
March 30, 2006
April 27, 2006
May 25, 2006
June 29, 2006
July 27, 2006
August 31, 2006
September 28, 2006
October 26, 2006
November 30, 2006
December 21, 2006

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 3 Date January 5, 2006
Introduced by Council Member _____
At the request of _____ Seconded by Krogh

RES. #3

**RESOLUTION SETTING SALARY OF PRESIDENT OF THE COUNCIL IN ADDITION TO
SALARY AS COUNCIL MEMBER**

BE IT RESOLVED, that in addition to the annual salary of \$15,000 as Council Member, the President of the Council shall receive the additional sum of \$5,000.00.

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 4 Date January 5, 2006
Introduced by Council Member _____
At the request of _____ Seconded by McGrath

RES. #4

**RESOLUTION SELECTING PRESIDENT PRO TEMPORE AND SETTING SALARY OF
PRESIDENT PRO TEMPORE OF THE COUNCIL IN ADDITION TO SALARY AS COUNCIL
MEMBER**

BE IT RESOLVED, that the appointment of Council Member Carolyn Collier as President Pro Tempore is hereby confirmed and in addition to the annual salary of \$15,000.00 as Council Member, the President Pro Tempore of the Council shall receive the additional sum of \$2,500.00.

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 5 Date January 5, 2006
Introduced by Council Member _____
At the request of _____ Seconded by Dunne

RES. #5

RESOLUTION APPOINTING CITY CLERK

BE IT RESOLVED, that the City Council's appointment of Flora O'Malley as City Clerk is hereby confirmed and she shall receive the annual salary of \$49,468.00.

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 6 Date January 5, 2006
Introduced by Council Member _____
At the request of _____ Seconded by Collier

RES. #6

RESOLUTION APPROVING CITY CLERK'S APPOINTMENT OF DEPUTY CITY CLERK

BE IT RESOLVED, that the City Clerk's appointment of Michele DeLair as Deputy City Clerk is hereby confirmed and she shall receive the annual salary of \$35,406.00; and

BE IT FURTHER RESOLVED, that the City Clerk's appointment of Kathy Tremblay as Assistant to the Clerk is hereby confirmed and she shall receive the annual salary of \$25,985.00.

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 7 Date January 5, 2006
 Introduced by Council Member _____
 At the request of _____ Seconded by DerGurahian
 Motion to amend by Council Member Dunne Seconded by Campana

RES. #7

**RESOLUTION APPOINTING LEGISLATIVE ASSISTANT
TO THE CITY COUNCIL**

BE IT RESOLVED, that the City Council's appointment of Cynthia Reilly Legislative Assistant to the City Council is hereby confirmed and she shall receive an annual salary of \$10,000.00.

Approved as to form, January 3, 2006

 David B. Mitchell, Corporation Counsel

Motion to AMEND Resolution FAILED by the following vote:

Ayes: 3 – Ryan, Dunne, Campana

Noes: 6

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 8 Date January 5, 2006
 Introduced by Council Member _____
 At the request of _____ Seconded by Ryan

RES. #8

**RESOLUTION APPOINTING CITY AUDITOR
AND SETTING SALARY**

BE IT RESOLVED, that the City Council's appointment of Charles Drozd as City Auditor is hereby confirmed and he shall receive the annual salary of \$50,945.00.

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 9 **Date** January 5, 2006

Introduced by Council Member _____

At the request of _____ **Seconded by** Campana

RES. #9

**RESOLUTION APPOINTING CONFIDENTIAL
SECRETARY TO COUNCIL PRESIDENT**

Resolved that Vito Ciccarelli's appointment as Confidential Secretary to the Council President is hereby confirmed at an annual salary of \$10,000.00.

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Resolution No. 10 **Date** January 5, 2006

Introduced by Council Member _____

At the request of _____ **Seconded by** Krogh

RES. #10

**THE PRESIDENT OF THE COUNCIL NOMINATED THE FOLLOWING
AS MEMBERS AND CHAIRPERSONS OF THE STANDING COMMITTEES
AND MOVED THEIR CONFIRMATION AS SUCH**

BE IT RESOLVED, pursuant to Sec. C-15 of the City Charter the President shall be the presiding officer of the council; shall be the chairman of the standing committee on finance; and shall be, ex officio, a nonvoting member of all other standing committees.

FINANCE: Membership on this committee shall include the President of the Council as Chairperson, and all other members of the Council.

HUMAN RESOURCES: Membership of this committee shall include the Corporation Counsel, his staff and at least three (3) Council Members as follows:

1. Mark McGrath - Chair
2. Mark Wojcik
3. Peter Ryan

LAW: Membership on this committee shall include the Corporation Counsel, his staff and at least three (3) Council Members as follows:

1. Mark Wojcik - Chair
2. Marjorie DerGurahian
3. Clement Campana

PARKS AND RECREATION: Membership on this committee shall include the Chair of the Recreation Commission and at least three (3) Council Members as follows:

1. Robert Krogh - Chair
2. Mark McGrath
3. Carolyn Collier
4. Marjorie DerGurahian
5. Peter Ryan

PLANNING: Membership on this committee shall include the Deputy Mayor, his assistants, the Chair of the Planning Commission and at least three (3) Council Members as follows:

1. Carolyn Collier – Chair
2. Robert Krogh
3. Clement Campana

PUBLIC SAFETY: Membership on this committee shall include the Commissioner of Public Safety, Police Chief, Fire Chief and at least three (3) Council Members as follows:

1. Carolyn Collier - Chair
2. Mark Wojcik
3. Mark McGrath
4. Robert Krogh
5. William Dunne

PUBLIC UTILITIES: Membership on this committee shall include the Deputy Mayor, Chief Water Plant Operator, Water Superintendent, Superintendent of Sewers and at least three (3) Council Members as follows:

1. Marjorie DerGurahian - Chair
2. Mark Wojcik
3. William Dunne

PUBLIC WORKS: Membership on this committee shall include the Deputy Mayor, City Engineer, Superintendent of Streets, Superintendent of Buildings and at least three (3) Council Members as follows:

1. Mark McGrath - Chair
2. Mark Wojcik
3. Peter Ryan

Approved as to form, January 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 01-11-06 for Executive Action, Approved and Returned 01-12-06

Meeting Adjourned 7:50 pm